

UNITED STATES DISTRICT COURT FOR THE  
Southern District of New York

EQUARN WHITE

Plaintiff,

v.

Correctional sergeant, Michael F. MRZYGLO

Correctional officer, Christopher Dillon

Correctional officer, James LAWYER

Correctional officer, Barry A Stevens

Correctional officer, James A Titka

Correctional officer, Sarah L. Tompkins

Correctional officer, Glenn J Trombly

Clinical Physician, Robert V. Bentivegna

Commissioner's hearing officer, Eric Gutwein

Judge, Reynaldo Rivera

Judge, Mark C. Dillon

Second Department Appellate Division clerk, Aprilanne Agostino

Sued in their individual and official capacities Defendants

1<sup>st</sup> AMENDED

Civil Rights

Complaint Pursuant

to 42 U.S. 1983

(Pro-Se Prisoner)

Docket no. 18cv8758

DJ: N.R.

MJ: J.M.

Jury Trial

Demanded

1) JURISDICTION

2) This is a civil Rights complaint Pursuant to the constitution of the United States. This action is brought Pursuant 1983 [42 U.S.C.] the court have Jurisdiction over this action Pursuant to 28 U.S.C. 1331, 1343 (3), (4) and 2201

3) Venue properly lies in the District pursuant to 28 U.S.C. section 1391 (b)(2) because the events giving rise to this action

## Defendant Information

3B Defendant No. 1: Michael F. Mrzygoda

Job Title: correctional sergeant

Defendant No 2: Christopher Dillion

Job Title: correctional officer

Defendant No 3: James Lawyer

Job Title: correctional officer

Defendant No 4: Barry A. Stevens

Job Title: correctional officer

Defendant No 5: James Titka

Job Title: correctional officer

Defendant No 6: Sarah L. Tompkins

Job Title: correctional officer

Defendant No 7: Glenn J. Trombly

Job Title: correctional officer

Defendant No 8: Robert V. Bentivegna

Job Title: clinical physician

Defendant No 9: Eric Gutwein

Job Title: commissioner hearing officer

Address work of All Defendants above 1,

2, 3, 4, 5, 6, 7, 8, 9 is Greenhaven correctional

Facility P.O. Box 4000, Stormville, N.Y. 12582

Defendant No 10: Reinaldo Rivera

Job Title: Judge

Defendant No 11: Mark A. Dillion

Job Title: Judge

Defendant No 12: Apprilanne Agostino

Job Title: court clerk

Work address of Defendants

10, 11 and 12, Appellate Division

Supreme court of the state

of New York Second

Judicial Department

45 Monroe Place

Brooklyn, N.Y. 11201

mostly occurred at Green Haven Correctional Institution, P.O. Box 4600, Stormville, New York 12582, which is located within the Southern District of New York.

4.) LEGAL BASIS FOR CLAIM: challenging the violation of my federal constitutional rights

5.) PLAINTIFF INFORMATION: [First Name] EQUARN [Middle Initial] U [Last name] WHITE, EQUARN WHITE, only other name Plaintiff ever used. The Department of corrections and community supervision (herein after DOCCS) is the only agency Plaintiff been in, and the Plaintiff Din number is 08A2234. [Current Place of Detention] Attica, Correctional Facility [Institutional Address] Box 149, 639 Exchange Street. [City] Attica, [State] N.Y [zip code] 14011

6.) PRISONER STATUS: convicted and sentenced state prisoner.

7.) PREVIOUS LAW SUITS

A.) Plaintiff has filed other lawsuits dealing with the same facts involved in this action and otherwise, relating to his imprisonment.

B.) Plaintiff Equarn White (Pro-se) Docket No. 13-cv-1427

Defendant, Steven E Racette, Date filed 12/4/12, Habeas corpus, Eastern District Judge Ross, outcome 9/13/13, habeas relife denied, and appeal.

C.) Plaintiff Eamonn White, Docket No. 13-3999, Defendant Steven E Racette, Date 10/13/14, filed court of appeal Judges Dennies, Jacobs, Peter Hall, and Gerard, out come of case, granting certificate of appealability (C.O.A. done pro-se, court appointed a lawyer after granting C.O.A.) Then 5/6/15 Affirmed the district court order.

D.) Plaintiff Eamonn White, Docket No. 15M56, Defendant Steven Racette, Supreme court united states, Dated filed, 10/6/15, out come of the case, writ of certiorari denied for out of time.

E.) Plaintiff Eamonn White, Index No. 406/2016, Defendant Anthony ANNucci, 2/26/16 Artical 78 Filed, denied all state Remides from Dutchess county Supreme court. Appellate Division and department, and court of Appeals (Albany) Denied poor person 1102.

1.) Plaintiff Eamonn White, Index No. 18-CV-5955, Defendant Joseph North Eastern District, Judge Dearcy Hall, case still pending. Paragraph 7 (E)(1) of this instant amended complaint is an related matter.

F.) Plaintiff Eamonn White Index No. 6326-16, RJI No -01-16 - ST 8340 Artical 78, Defendant

Anthony ANNucci Date filed 10/31/16 case Appeal still pending

G.) Plaintiff Equarn white Index No. 1397-17 Defendant: Anthony ANNucci Date filed 2/9/17 Article 78 outcome denied.

H.) Plaintiff Equarn white, Index No. 17-0441, RTJ # 04.1.2017 Defendant Anthony ANNucci, Article 78, outcome rehearing then expungment.

I.) Plaintiff Equarn white Index No. 00-955-18, Defendant Anthony ANNucci, Article 78, Albany county supreme court, transferred 3<sup>rd</sup> Dept still pending. 1/28/18

J.) Plaintiff Equarn white, claim No. 130662, ori, no NY001808J, Defendant State of New York, dated filed 11/26/17, claim for Damages, New York state court of claims, still pending.

K.) Plaintiff Equarn white Index No. 4356-18, Defendant Anthony ANNucci Date filed 6/30/18, Albany county supreme court case still pending

L.) Plaintiff Equarn white Index No. 7717-18 Defendant Anthony ANNucci Dated filed 12/12/18, Albany county supreme court case still Pending

M.) Plaintiff Equarn white, Docket No. 9:17-cv-1094 Date filed 9/29/17 Defendants John Marinelli, et al, united states District court Northern

District of New York case still pending. All previous Law suits in Paragraph 7. (A) to (M) (Pro Se) Paragraph 7. (C) lawyer was giving after C.O.A.

### STATEMENT OF Facts

8. on 4/22/15 around 6:30 p.m. at Green Haven Correctional Facility, 12 building, upon trying to enter the General Library. Plaintiff had an dispute with correctional officer [hereinafter c.o] S. Tompkins about his locking location.

9. Plaintiff was moved to H-block, that day from G-block, and even though his locking location was different, his name was the same which c.o Tompkins was familiar with. [This defendant has been pulling the Plaintiff to the side for 9 months since 12/14/14, when she first seen him. Making inappropriate comments and harassing the Plaintiff.] After being harass by this defendant for months, Plaintiff became angry and used profanity. When this defendant refused to let Plaintiff enter the Library. c.o Tompkins call up to the front of building 12 desk, and said she had an problem with the Plaintiff. And told the Plaintiff he was going back to "H" block.

10. c.o Tompkins keep the Plaintiff to the side as usual and let the other inmates enter the library. c.o Tompkins was then relieved by another c.o. she then escorted Plaintiff alone to an vacant class room 225 feet away. And she went to the front desk, with c.o James Titka.

11.) After being in the vacant class room for about 30 minutes, Sergeant Michael F. Mrzygold arrived with c.o.s, Christopher Dillion, James Lawyer, Barry A. Stevens, Glenn J. Trombly, and c.o. Pitka came from the desk and they all entered the class room. C.o. Tompkins didn't enter the class room with the other six defendants. She was just watching through the class room window.

12.) Defendant Mrzygold ordered the Plaintiff into a pat frisk position, which the Plaintiff complied. He told the Plaintiff he called the watch commander and found out for his reasons the Plaintiff was locked up for assault 1, not rape as he thought. He left the room again to check the Plaintiff's disciplinary record. C.o. Stevens said the Plaintiff is getting an assault on staff tonight, all while the Plaintiff remains on the wall in the pat frisk position.

13.) Defendant Mrzygold shortly entered the class room again. While the Plaintiff remains in the pat frisk position, and the other 5 c.o.s were behind the Plaintiff surrounding him. While c.o. Tompkins remained outside the class room still watching. Defendant Mrzygold then stated "you got no prior assaults on staff" but Plaintiff had lewd conduct tickets and ask what that is about. Plaintiff said this got nothing to do with this. Mrzygold said "you're getting another one and you're getting an assault on staff."

14.) After all the above Mrzygold ordered c.o. Dillion to



attack the Plaintiff. which c.o Dillion grab the Plaintiff from behind in some type of body hold and slam the Plaintiff on the floor. c.o's Lawyer, Stevens, Titka, and Trombly begin assaulting the Plaintiff hitting him all over. Then c.o Dillion kick plaintiff in the face while on the ground.

15.) c.o's Lawyer and Steven grab the Plaintiff right leg. while c.o's lawyer and Trombly grab his left leg. All 4 c.o's pull the plaintiff legs apart while c.o Dillion viciously kick and stomp the Plaintiff in his testicals. Plaintiff ball up in the fetal position when the stomping stop. Then c.o Stevens grab the Plaintiff right ankle and begin to strike the plaintiff repeatedly in the bottom of his foot with a baton. [one of Plaintiff sneakers came off during the attack.]

16.) Defendants Dillion, Stevens, Lawyer, Titka, Trombly, and Mrzygold was calling the Plaintiff niggers during the assault. All mention defendants then lifted Plaintiff to his feet. Then defendant Mrzygold immediately begin to tell all c.o's what to say in their reports. For example, "He [Plaintiff] hit you in the head, you did this such and such did this etc. And once the Plaintiff was handcuffed, Mrzygold tried to knee plaintiff in his face by jumping up twice, calling Plaintiff niggers.

17.) As plaintiff was getting drag to S.H.U c.o Dillion punch



Plaintiff on the right side of his face twice, while Plaintiff was in hand cuffs.

18.) During the attack co Tompkins just watched and didn't try to stop it.

19.) Stevens and Lawyer, and Mrzygold drag the Plaintiff the rest of the way to S.H.U. Defendant Mrzygold alerted other defendants they were now in the presence of video footage.

### INJURIES:

20.) After pictures of some of the Plaintiff injuries, the plaintiff collapsed. S.H.U. co's tried to get the plaintiff to get up and walk to S.H.U. 12 cell. After an hour of attempting to get the Plaintiff to walk unsuccessfully, the co's became to realize the plaintiff was seriously injured, with unbearable pain. And being they didn't want to drag the plaintiff to his cell, so they obtain an wheelchair from the hospital. And they then push the plaintiff to his cell [12] and roll him on his bed.

21.) Later that night the Plaintiff crawled out of his bed and begin to urinate, his urine was blood red. Plaintiff testicles were swollen, a couple of times thier normal size. The bottom of his right foot where he was beat with the baton was severely swollen. And his face was swollen from being

Punch and kick in it. And Plaintiff kidneys was hurt from getting punch and kick.

22. on 9/23/15 Plaintiff was prescribe an wheelchair for a couple of weeks an his pain meds for an prior shoulder injury was increase to it maxium dosage, but didnt work much.

23. on or about 9/24/15 plaintiff was giving false disciplinary tickets. Lewd conduct wrote by S Tompkins two assaults on staff by cos Dillion and Trombly.

24. on 10/1/15 Eric Gutwine conducted the hearing Plaintiff Pled not guilty to all charges. at no time prior to or during the superintendent hearing was Plaintiff afforded the following rights:

A) A Prompt hearing to be completed within 14 days with proper extension granted, at adjournments wasnt odinarly made aware of delays or if they was authorized by the commissioner, where plaintiff was confined 77 days before he was found guilty, and after the hearing found out the H.O had 8 invalid extensions, that was obtain days after the first extensions had expired.

B. Plaintiff was denied his right to call witnesses. Plaintiff requested: to call inmate Elliot myles, and spidvey who both was relevant witnesses. A Physical Therapy Physician about the strength, mobility and restrictions of Plaintiff. Left arm the time and date of the assault. And a witness who testified said

the Therapy Physician will not that information. To call employee assistant about not interviewing Plaintiff witnesses and not providing documentary evidence.

c.) Plaintiff requested c.o.s. Lawyer, and Stevens because some officers said they were not there at all, or both of them were there or one of them came when the assault took place. As these witnesses was relevant as none of the officers who testified could explain how the bottom of Plaintiff foot was injured to the point he was in a wheel chair for weeks.

d.) To recall c.o. Trombly to find out how he was able to write an U.F. and misbehavior report sign on both. Then endorse another one which he sign and also printed his name. And remain on duty all on the same night he alleged he was viciously bitten on his finger by the Plaintiff. Plaintiff wanted to know what type of medical treatment he received, tetanus shots etc. Because he never mention what type of medical treatment he received and no medical records was produce, and plaintiff wanted to question him about log books he received after he testified. And to recall c.o. Tompkins because he wasn't ready, the Plaintiff received log book entries after both c.o.s. testified.

e.) Plaintiff was also denied documentary evidence: Plaintiff was denied, but requested documentary evidence of video

Footage of a captain who investigated the incident telling Plaintiff CO Trombly who claim to be bitten by the plaintiff was scratch on his finger. Medical records were requested, unredacted use of force forms, phone call records and computer records from around the time plaintiff was assaulted to show his criminal and disciplinary record was discuss before the assault, log book notes, whole building 12 call out for potential witnesses.

25. At the time of the above mention request H.O Gutwein didn't outright deny witnesses and documents just wrote them down, and gave Plaintiff the impression request would be afforded. Then 12/9/15 Gutwein unexpectedly ended the hearing and denied all above mention request. Did not provide proper forms for why inmates was denied etc.

26.) Plaintiff objected to not being prepared because improper assistant. H.O Gutwein ignored the objection and proceeded with hearing. And provided some documents after CO's testified H.O Talk to Plaintiff off record, stated "why would they say it [CO's] if it wasn't true." [Plaintiff have the video footage of off record conversation. 12/9/15 Plaintiff tried to object to the off record conversation, Gutwein figured out what Plaintiff was up to and unexpectedly ended the hearing. Plaintiff was found guilty and giving 365 days SHU one year lost of good time was imposed. The penalty was modified to 270 days 1 year lost of good time on administrative appeal 1/29/16 see exhibit "A" and, I ask that his time be (Tolled) for him

Exhausting his administrative remedies [concerning the 12/9/15] hearing which is an sufficient meritorious tolling argument, the Plaintiff has stated.

27.) On August 2, 2016 Hon MARIA ROSA dismissed Plaintiff petition Article 78, and stated in sum "His [Gutwein]... determination was base on him crediting testimony of correction officers." etc. And that "A majority of the evidence... denied... could have demonstrated potential bias of [COS]...." etc [Dutchess county]

28.) on August 24 2016, Plaintiff submitted an notice of motion to Proceed as a poor person in the Appellate Division Second Department. 1/18/17 The wave- ment of the \$315.00 filing fee was denied. 2/16/17 Plaintiff submitted a motion for Leave to reargue And submitted lower court order granting poor person \$15.00 The court again denied the waivment of the \$315 filing fee. Prisoner Legal Services N.Y [Plattsburgh] contacted the motion clerk on Plaintiff be half " she could provide no further information or explanation for why your motion was denied..." And that " You may try to seek and submit a motion to pay over time."

29.) on April 14, 2017 or around that time Plaintiff Ask Aprilanne Agostino can the court put on encumbrance on his account, and that it is a regular practice of federal courts. April 24, 2017 Aprilanne Agostino [Aprilanne Agostino] April 24, 2017 responded stating in sum " The court can not

encumber funds as payment of the filing fees." shortly after Plaintiff file an motion to Renew and Reargue which stated lower court order 8/11/16 was insufficient and invalid because the lower court had no Jurisdiction or authority to rule on an substantial evidence issue and that case be transferred. And that it seems Plaintiff is being denied the right to Appeal because he is poor. And sent his monthly statements showing he cant pay the \$315.00 filing fee. 7/3/2017 the Motion was denied. Judge, Rinaldo Rivera, and Mark Dillion names was every order to deny poor person. All Plaintiff motions was uncontested. And all, see previous cases, [Section] poor person was granted. on 10/24/17 State Court of Appeals denied leave to Appeal.

30.) On 10/14/15 or around that, plaintiff provided an urine sample to P.A Bentivegna because of serious stomach pain and still pissing blood. 10/16/15 he confirm blood was in plaintiff urine, and just give it time. The test said nothing was wrong. S.H.U was his steady post 5 days a week. From 9/23/15 until 12/29/15 Plaintiff complain about pain and blood in his urine.

31.) On 2/10/16 at upstate correctional Facility, Plaintiff SEEN an different P.A who reviewed his chart from a Green Haven C.F. She said Plaintiff had an infection in his kidneys [From the 9/23/15 attack] and that it was pus mix with the blood in his urine and that

doctors at Greenthaven knew but failed to treat the plaintiff. Plaintiff requested video footage of this conversation but was told he will have to pay \$ 93.46 for an 60.4 DVD due to Article 70 the court order the video footage be provided for 60.4, However officials at upstate destroyed and/or deleted the video footage. The PA gave the Plaintiff antibiotics 2/10/16 for two weeks took another urine test, which the bloody infection, and pain was gone.

32.) Through the year after the attack the plaintiff still have testicle pain where the whole area will inflamed for weeks at a time causing unbearable pain.

### IN Juries

#### Claims For Relife

33.) First cause of Action count 1: 42 USC 1983.

Excessive use of Force Plaintiff v. M. Mrzygold, C. Dillion, J. Lawyer, B. Stevens, J. Titka, S. Tompkins, and G. Trombly. Federal constitutional claim of the 14<sup>th</sup> Amendment. Paragraph 1 through 32, are incorporated by reference as though fully set forth.

34.) C/Os Dillion, Lawyer, Stevens, Titka, and Trombly committed excessive force that was repugnant to the conscience of mankind and acted maliciously and sadistically in order to cause harm to the Plaintiff, when Dillion slam plaintiff on the floor, Punch Plaintiff twice in his face while



in restraints, Kick Plaintiff in the face, viciously Kick and stamp the Plaintiff in his testicles, while other defendant held Plaintiff legs apart.

A.) c.o's Dillion, Lawyer, Stevens, Trombly, and Titka hit Plaintiff all over his body and his kidneys. calling him niggers. And held Plaintiff legs apart to get assaulted.

B.) And c.o Stevens hit plaintiff in his foot, multiple times with a baton. Plaintiff was in a wheelchair for weeks.

35.) Defendant Mrzygrod and Tompkins failed to protect the Plaintiff from getting assaulted and just watch. And Mrzygrod ordering the attack and trying to participate in the attack calling the Plaintiff niggers. And defendants writing and endorsing false reports.

36.) Defendants Dillion, Mrzygrod, Stevens, Titka, Trombly, and Lawyer violated the Plaintiff 14<sup>th</sup> Amendment rights to discrimination when one of the reasons for assaulting the plaintiff because he was black. In addition to profanity and Plaintiff disciplinary record. Because the Plaintiff was being called niggers during the assault.

### Second cause of Action count #2: 42 U.S.C 1983

37.) Plaintiff v. Eric Gutwein Federal constitutional claim violation of the 14<sup>th</sup> Amendment. Paragraph 1 through 32) are incorporated by reference though fully set forth

38.) E. Gutwein intentionally denied procedural protections under wolf

to support officers sanctions. Plaintiff is not challenging the validity of the hearing or the loss of 1 year good time. Plaintiff just challenge how the constitutional procedural rights was violated in the manner the hearing was conducted which resulted in plaintiff doing 210 days of SHU in extreme isolation confine 23 hours a day no programming and was giving the classification as a convicted sex offender, which was different from inmates in general population. [Thus if relief is granted it would not affect Plaintiff time in prison, just monetary damages] criminal charges was filed against the plaintiff. This the charges was fabricated for an ulterior motive and once they was ascertained to be fabricated, the criminal charges that had been initiated were drop.

### Third cause of Action Count #3: 42 U.S.C 1983

39.) Plaintiff v. Mark Dillion, Reinaldo Rivera, and Aprilanne Agostino Federal constitutional claim violation of the 14<sup>th</sup> Amendment "Equal Protection" [Paragraph 1 through 32, are incorporated by reference though fully set forth.] And his 1<sup>st</sup> Amendment rights Access to the courts

40.) After consistently trying to Appeal the lower court Decision in Dutchess county supreme court, M. Dillion and Reinaldo Rivera on 2 different occasions Denied the plaintiff poor person relief because the plaintiff is poor, this denying and Preventing Plaintiff from appealing a Meritorious claim, which Denied Plaintiff Access to the courts and violated Equal Protection because law shows thousands of of Inmates poor, was granted

poor person this waiving the \$315.00 filing fee, and the actions of Agostino violated Access to the courts and violated the equal protection clause.

Fourth Cause of action Count 4: 42 U.S.C. 1983

Medical care denial

41.) Plaintiff V. Robert Bentivegna Federal constitutional claim violation of the Eighth Amendment Paragraph 1, though 32, are incorporated by reference as they are fully set forth.

42.) Defendant Robert Bentivegna was deliberate indifferent to Plaintiff medical needs when he knew Plaintiff had a kidney infection but fail to give Plaintiff antibiotics or even informed him that he had an infection, where Plaintiff was in pain for six months.

Exhaustion of Administrative Remedies

43.) The Plaintiff have exhausted his administrative remedies with respect to all claims and all defendants.

44.) Wherefore, Plaintiff respectfully request a Judgment in his favor against each individual defendant in the amounts sufficient to compensate for pain suffering, mental anguish and all other injuries cause by the intentional misconduct by defendants set forth above but not less than the following relief:

A.) Defendant, Michael F. Mrzygala

- Compensatory: \$ 150,000.
- Punitive: \$ 75,000.

Permanent Induction & Suspension without pay for 6 Months. And an retraining, and anger Program before he returns back after suspension.

B.) Defendant, Christopher Dillion

- Compensatory: \$ 250,000.
- Punitive: \$ 125,000.

C.) Defendant, James Lawyer

- Compensatory: \$ 50,000.
- Punitive: \$ 25,000.

D.) Defendant, Barry A. Stevens

- Compensatory: \$ 200,000.
- Punitive: \$ 100,000.

E.) Defendant James A. Titka

- Compensatory: \$ 50,000.
- Punitive: \$ 25,000

F.) Defendant SARAH L. Tompkins

- Compensatory: \$ 75,000.
- Punitive: \$ 35,000.

G.) Defendant Glenn Trombly

- Compensatory: \$ 50,000.
- Punitive: \$ 25,000.

H.) Defendant Robert Bentivegna

- Compensatory: \$ 350,000.
- Punitive: \$ 175,000.

I.) Defendant Eric Gutweih

\$150,000 dollars a day for 214 days of S.H.U

- Compensatory: \$ 32,100.
- Punitive: \$ 16,000.

- Permant Induction: To call witness, Provide Documentary evidence, assistance, And No Predetermination of guilt at hearings.

J.) Defendants, M. Dillion, R. Rivera, and A. Agostino.

- Preliminary and Permanent INduction 8:

1.) To waive the \$ 315.00 filing fee and to Appeal his disciplinary disposition From the 12/9/15 Superintendent hearing, as a right.

2.) And for what ever reason in the future if the court, Appellate Division Second Department dose not want to waive the \$ 315.00 filing fee, that it Put an encumbrance on a inmate account. The Prison Litigation reform act requires Payment of the full filing fee in all cases. Even where Poor Person is granted, but allows for such Payment to be made over time, which is a regular Practice of the Federal courts. So that the Appellate Division Second Department wont Abuse Its discretion Denying Access to the court for no Legal basis, but just because they can do so [See exhibit B], And violating the Equal Protection clause, which both violates The 1<sup>st</sup> and 14<sup>th</sup> Amendments on the constitution.

A.) So Let the (PLRA) rules be entered in the Second Department, in situations like the Plaintiff in this instant complaint, as in these situations the PLRA would replace CPLA 8022, which (CPLA 8022) do not finally determine a Proceeding within the meaning of the constitution, while the (PLRA) dose, which would grant access to the court for prisoners. In addition when the court, and Department implement (PLRA) in these situations that it Give an written explanation why it is Denying a motion for CPLA 1102 and 1101, and why the (PLRA) is being used, in the proceeding.

45) WHEREFORE, EQUARN WHITE prays for a Judgment in his Favor and Inductions, damages in his Favor against all defendants in the amount is sufficient to compensate him for the pain and Mental anguish suffered by him, due to the deliberate indifference and intentional misconduct of defendants, but no less than \$ 1,617,100. Together with his attorney fees and cost, and inductions, and such additional relief as the Court seems Just and proper.

46) I declare under the penalty of perjury that the for going is True and correct Dated 1/21/19

Pro Se Plaintiff  
Equarn White  
08A2234  
Attica C.F  
P.O. Box 149  
Attica, N.Y 14811

Exhibit

= A =



NEW YORK STATE  
DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION  
THE HARRIMAN STATE CAMPUS - BUILDING 2  
1220 WASHINGTON AVENUE  
ALBANY, N.Y. 12226-2050

Exhibit A

ANTHONY J. ANNUCCI  
ACTING COMMISSIONER

JOSEPH BELLNIER  
DEPUTY COMMISSIONER  
CORRECTIONAL FACILITIES

REVIEW OF SUPERINTENDENT'S HEARING

11 A48B

NAME: WHITE, EQUARN

NO. 08A2234

HEARING FACILITY: GREEN HAVEN

ON BEHALF OF THE COMMISSIONER AND IN RESPONSE TO YOUR RECENT  
LETTER OF APPEAL, PLEASE BE ADVISED THAT YOUR SUPERINTENDENT'S HEARING OF  
DECEMBER 9, 2015, HAS BEEN REVIEWED AND MODIFIED ON JANUARY 26, 2016.

PENALTIES:

270 DAYS SPECIAL HOUSING UNIT  
270 DAYS LOSS OF PACKAGES  
270 DAYS LOSS OF COMMISSARY  
270 DAYS LOSS OF PHONE  
12 MONTHS REC'D LOSS OF GOOD TIME

D. VENETTOZZI  
DIRECTOR, SPECIAL HOUSING/  
INMATE DISCIPLINARY PROGRAM

CC: FACILITY SUPERINTENDENT  
CENTRAL OFFICE FILES

APPEAL DECISION RENDERED PURSUANT TO SECTION 254.8 OF CHAPTER V AND  
ELECTRONICALLY PRODUCED UPON THE AUTHORITY OF THE DIRECTOR OF SPECIAL  
HOUSING/INMATE DISCIPLINE PROGRAM.

Exhibit  
"B"



Appellate Division  
Supreme Court of the State of New York  
Second Judicial Department  
45 Monroe Place  
Brooklyn, N.Y. 11201  
(718) 875-1300

RANDALL T. ENG  
PRESIDING JUSTICE

APRILANNE AGOSTINO  
CLERK OF THE COURT

MEL E. HARRIS  
KAREN HOCHBERG TOMMER  
MARIA T. FASULO  
DEPUTY CLERKS

DARRELL M. JOSEPH  
KENNETH BAND  
ASSOCIATE DEPUTY CLERKS

April 24, 2017

Equarn White  
08A2234  
Clinton Correctional Facility  
P.O. Box 2000  
Dannemora, N.Y. 12929

Re: *Matter of White v Annucci*  
Appellate Div. Docket No.: 2016-09788

Dear Sir:

In response to your letter dated April 14, 2017, received on April 20, 2017, please be advised that your status as poor person in the lower court does not automatically continue in this Court on your appeal. The clerk of the appellate division is authorized to impose the filing fee upon the perfection of a civil appeal pursuant to CPLR 8022. Any relief to waive that fee must be sought by motion pursuant to CPLR 1101. The decision as to whether or not to grant such relief is in the discretion of the Court. Further, the Court cannot encumber funds as payment of the filing fee.

Please refer to the docket number set forth above in any future correspondence.

Yours truly,

CLERK'S OFFICE

LR/pd